

Town of Duxbury Affordable Housing Plan Planned Production Program

**Prepared by the Town of Duxbury
Duxbury, Massachusetts**

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Submitted to the Massachusetts Department of Housing and
Community Development (DHCD) in accordance with the Guidelines for
the Planned Production Regulation under MGL Chapter 40B
760 CMR 31.07 (1)(i)

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EXECUTIVE SUMMARY

Background and Statement of Purpose

This Affordable Housing Plan was prepared by the Town of Duxbury in compliance with the Massachusetts Department of Housing and Community Development's (DHCD) Planned Production Regulation, MGL 760 CMR 31.07(1)(i). It is intended to provide a management tool which enables the Town to make progress toward meeting its affordable housing goals and those stated in Chapter 40B. The Plan incorporates work done in 1999 *Duxbury Comprehensive Plan*, in 2004 *Community Development Plan* and in 2006 *Affordable Housing Production Strategy & ByLaw* and in additional studies and discussions by various boards and agencies. Some of these are being submitted to DHCD as part of the Planned Production Program.

The Planned Production Plan is based on the studies cited above and additional analysis of existing conditions, demographic trends and local and market forces. It identifies factors which have limited affordable housing production in Duxbury. It identifies strategies which the Town will pursue in order to meet its affordable housing goals. The Plan includes a time frame for production. It also confirms a number of regulatory reforms and strategies already adopted and makes recommendations for modifications and additions. It includes preservation strategies as well as new production initiatives and it delineates roles for both private and government actions.

Note: Throughout this documents, **preservation** includes actions designed to retain subsidized housing and to preserve affordable but unsubsidized housing, while **production** includes conversion of existing buildings/units as well as new construction.

Market Conditions

Existing Affordable Housing in Duxbury

180 units of housing (3.4 percent of Duxbury's existing housing stock) is classified under the 40B rules, as affordable. These rules do not take account of households with incomes below 80% of median which are living in housing in Duxbury and paying less than 30% of their income for that housing including some other forms of subsidy. This is because the rules require a contractual basis for the subsidy rather than other formal and informal arrangements with no enforcement character.

Based on Duxbury's housing count of 5,103 (in the DHCD database), units meeting the 10% Chapter 40B threshold would require an increase in 40B qualified units from 180 to 511, an increase of 331 units. This is a moving target however, because the housing count is estimated now (2006) to have increased to 5,630 and estimated to be 5,862 by 2011 and because in 2012 and 2013, Duxbury could lose its 96 Section 40B qualifying units which are part of the Island Creek development.

However, there are some developments in progress at this time (2007) which will contribute an estimated 27 units of affordable housing plus as many as 60 additional units which Chapter 40B rules permit to be counted as affordable even though they are market rate units.

After developments in production this year (2007) are completed, Duxbury will still need to create at least an additional 304 units through the twin strategies of production and preservation.

Needs Assessment

Various needs assessments conducted by the Town in the last 7 years, have demonstrated a rising discrepancy between incomes and housing costs, not unlike almost everywhere else in the region. The focus in this document on affordability, has been to try and identify the sub-populations which have critical needs now and those additional groups which may have them in the next 10 years.

Critical needs would include those households which are paying more than 50% of their income for housing or living in substandard housing. In the case of the former group, the best analysis is that done by the Department of Housing and Urban Development and the US Census Bureau and published in HUD's Comprehensive Housing Affordability Study (CHAS) based on 2000 census data.

The CHAS reports that 110 renters and 204 owners, whose incomes are less than 80% of median are paying more than 50% of their income for housing. 116 of these are elderly households. These households would be deemed as having 'critical needs'.

Examining households with incomes less than 80% of the area median and who have mobility and/or self-care housing problems, 44 households in Duxbury are non-elderly, 53 are elderly above the age of 74 and 18 are elderly between 62 and 74. In addition there are 302 households with incomes above 80% of median with mobility and self-care limitations and of these 31% have related housing problems.

The CHAS data shows that there are an additional 238 low income households paying more than 30% of income for housing (the usual affordability measure) but less than the 50% burden detailed above. While not having a 'critical need', HUD would classify these households as having a housing cost burden.

Another interesting phenomenon is that in 2003 there were 288 households living outside of Duxbury who were employees of the Town and Schools (67% of all such municipal employees) of which (based on the 2003 survey of Duxbury residents), one can reasonably surmise (based on this and similar surveys conducted in other towns) that a half would choose to live in Duxbury if they could afford it.

Finally, while there are 180 households with incomes below 80% of median and with subsidies which meet the 40B rules which require households to pay no more than 30% of their income for housing, there are approximately another 124 households with incomes below 80% of median but who live in private housing and yet have housing costs which consume less than 30% of their income and are therefore considered to not have a housing cost burden. Preservation strategies are designed to target both groups.

However, as noted above, there are another 238 low income households who are paying between 30% and 50% of their income for housing and another 314 low income households paying more than 50% of their income. This population and its various subpopulations are another key target for this Planned Production Program.

Affordable Housing Goals

The Town of Duxbury wants to achieve and maintain a balanced community in terms of incomes and recognizes that it must therefore maintain a balanced housing stock, especially in terms of costs and accessibility. As is clear from the housing needs studies, the goal is to preserve what affordable housing Duxbury already has and to produce more housing to meet the needs of other cost-burdened and accessibly limited households. In an ideal world, that would mean preserving the affordability of 180 units which are already 40B qualified units, plus other subsidized (but not meeting the 40B qualification) and unsubsidized housing units which total over 124 units. To meet the State mandated goal of 10% affordable and 40B qualified housing units, Duxbury would need to preserve existing 40B qualified housing and/or produce new housing to reach a minimum total of 511 units.

The preservation goal will be hard to achieve because of the limited tools at the Town's disposal. The production goal will also be difficult as the annual requirement to create .75% of year round units as affordable, would require 43 units per year. Over the past 10 years all housing production has averaged only 40 units per year.

Duxbury is committed to pursuing both a preservation as well as new production strategy, in order to bring additional affordable housing to the community.

Affordable Housing Strategy

Over the past 5 years, the Town of Duxbury has designed a set of tools and has already adopted several strategies. The major challenge in this Planned Production Plan is to continue with the design and implementation of additional tools and to focus on ways to get more preservation and production.

At this time, the Town believes that while its character should not be switched from an exurban to urban model, it can find ways to build upon its traditions and on traditional New England village concepts.

In continuing its single family character, the Town sees ways in which that traditional architecture with its highly expensive land and infrastructure costs, can be adapted to permit affordable housing. In some instances the internal configuration of larger houses can be altered to permit more than one family while preserving the exterior design. In other cases, additions of attached and detached structures can permit more than one family. Cluster zoning already permits open space preservation with savings on roads, water, sewer and other infrastructure. It can be further modified to permit more density. Even where no design changes are to be made, strategies such as homebuyer down-payment and mortgage assistance, affordable reverse equity mortgages, creation of Community Land Trusts which purchase the underlying land reducing the overall house cost to the buyer, deeding of houses to affordable housing, all contribute to working within Duxbury's existing single family areas.

But Duxbury also has several less traditional developments along this model, where it has approved larger subdivisions in a more suburban tradition and even with a quasi-urban flavor. This style can be modified and extended to other larger parcels of land. One key to this strategy will be the use of a 'friendly 40B' known officially as LIP [Local Initiative Project]. These are developments which ideally are proposed by the Town but at least are welcomed by the Town. For example, Town Meeting instructed the Board of Selectmen to develop the Lincoln Street property through an RFP process. This will probably be a LIP.

Notwithstanding the impression Duxbury has of an exurban community, there are areas of Duxbury which have elements which replicate the traditional New England village. In these areas there is higher density and mixed residential, institutional and commercial use. Historically such villages in New England communities have ranged in size, some being smaller and some larger than those in Duxbury. With careful and thoughtful zoning and design Duxbury can expand these villages, strengthening commercial enterprise, expanding residential options which can be of particular value in creating housing for special needs populations such as the frail elderly (who require greater accessibility) and in providing smaller units for young people who wish to start their adult lives in Duxbury. Overlay zoning and other techniques are particularly appropriate for meeting these needs and fostering smart growth.

INTRODUCTION

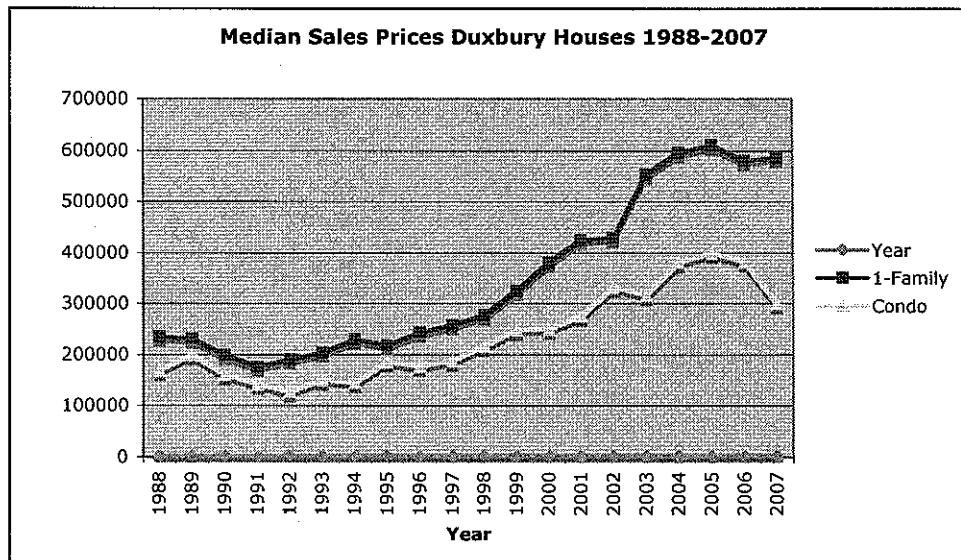
Location and Basics

The Town of Duxbury is located 35 miles south of Boston between Marshfield to the North, Pembroke to the West and Kingston to the South. It is primarily a residential community of some 15,000 people in over 5,200 households (estimated for 2006). Most of the households are owner occupants with only approximately 10% of them renters. The land area is 15,454 acres on which there is an estimated 5,630 houses (of which approximately 390 are recorded by the census as unoccupied) and 390 commercial properties (employing approximately 2,550 people). About one quarter of the population works in Duxbury (including at home). Another half of the population works in the surrounding towns. Most of the remaining quarter work in Boston. The day-to-day operations of the Town are managed by a Town Manager under the direction of a three person Board of Selectmen.

Duxbury has a limited municipal wastewater system but an extensive municipal water system covering about 90% of the properties. Most households and businesses are served by on-site septic disposal systems with areas like Snug Harbor, Bay Road and Island Creek using shared sewage disposal systems.

Over the past several decades, Duxbury has become a higher income and higher cost community as can be seen in the following Table and Chart.

Household Income	1990	2000	2006 (est)
Median	\$63,881	\$96,922	\$127,626
Average	\$73,325	\$114,538	\$160,271
Housing Value	1990	2000	2006 (est)
Median	\$243,265	\$328,081	\$642,633
Average	\$277,163	\$396,016	\$699,471



One standard measure of affordability is the ratio of housing value to household income. In the Table below, one can see that for Duxbury this ratio has not changed that much in the last 20 years. When compared with some communities in the metropolitan area, where ratios are as high as 7 to 8, the proportion of income devoted to housing in Duxbury is still manageable.

Household Income	1990	2000	2006 (est)
Ratio HV/HHI (Averages)	3.78	3.46	4.36

Yet when one examines the ratio of housing values using traditional affordable income cohorts, one can see that these ratios become burdensome.

	1990	2000	2006 (est)
80%Median	\$51,105	\$77,538	\$102,101
# of HHs	1,691	1,738	1,837
Ratio	4.76	4.23	6.29
50% Median	\$31,941	\$48,461	\$63,813
# of HHs	872	1,103	1,088
Ratio	7.62	6.77	10.07
30% Median	\$19,164	\$29,077	\$38,288
# of HHs	594	641	840
Ratio	12.69	11.28	16.78

As many analyses of poverty and affordability have noted, the lower the income, the less elasticity there is in household expenditures. Serious and sometimes catastrophic decisions have to be made and as shelter is a high priority, other important household expenditures (such as medical care, nutrition and education) are sacrificed.

The Table above, also documents not only the estimated number of households in each category, but how the most serious housing affordability problems lie with those households with incomes below 30% of median.

If one examines other data from HUD and US Census Bureau, where affordability problems are examined not only in terms of census averages but also in terms of household size, in the year 2000 there were 552 households (200 renters and 352 owners) out of 1,738 who were paying more than 30% of their income for housing and of these 314 (110 renters and 204 owners) were paying more than 50% for housing. Further analysis of the HUD and US Census Bureau data indicates that 115 out of 200 renting households with incomes less than 80% of median and paying more than 30% of their income for housing, were elderly renters. In the case of owners it was 150 out of 352 owners. When we look at elderly paying more than 50% for housing, 50 out of 110 renters and 66 out of 204 owners were in that category.

These numbers underscore the need for affordable housing, especially for very low income households and especially for the elderly.

Even when we look at households with incomes greater than 80% of median but less than 95% of median, [a group or cohort not normally considered by government programs as being included the low income category and often referred to as the 'near poor'] there were 220 of these households in 2000, paying more than 30% of their income for housing. Most of these households are close to needing or are actually in need of relief. Obviously, when a household income is large enough, housing cost as a percentage of income becomes less important if not irrelevant in terms of an affordable housing problem or the need for a public policy.

The other piece of information which is critical for this plan, is that recent data shows that housing with lower rental rates and housing with lower sale prices have diminished markedly since 2000. For example, in 2000 there were 547 houses valued at less than \$200,000. In 2006 that number was estimated to have dropped to 28. By 2010 it is estimated there will be no houses valued at less than \$200,000.

Affordability problems continue to grow as housing costs rise faster than incomes either driving more households into the cost burdened categories described above or driving them out of Town. In 2000 the number of households in Duxbury with incomes below 80% of median was around 857 [up from 833 in 1990]. One hundred and eighty of these households are being assisted with housing which is contractually subsidized by the government and approximately another 124 are paying less than 30% of their income for housing without government subsidies.

It is apparent that Duxbury needs to address the affordability problem households are facing by not only utilizing production but also preservation. Every lost affordable unit whether subsidized by government or not, makes the production burden that much greater. Data analysis suggests that the need for affordable housing will only grow more acute in the future.

Purpose

This Planned Production Plan has been designed to be a management tool for ensuring that timely progress is made toward meeting the Town's affordable housing needs. It is based on a series of studies (noted above) which have documented existing conditions, demographic trends and local and regional market forces. It identifies the problems which have limited affordable housing production in Duxbury and lays out not only the Town's efforts to solve them but also new opportunities and strategies the Town will pursue.

The plan delineates the mix of housing units required to address the needs and a time frames for production and preservation. It recommends the continuance of a number of initiatives already adopted to expand local production and identifies some additional strategies for production and preservation.

The critical documents being submitted with this are the following studies completed by the Town and which will only be supplemented where it has been decided that additional information is needed or an update is appropriate.

1. *Duxbury Comprehensive Plan December 6, 1999*
2. *Community Development Plan – Housing and Economic Development Strategy June 2004*

DHCD Requirement Section 1: Comprehensive Housing Needs Assessment

Extract from DHCD Planned Production Program Requirements:

"Overall, the plan must establish a context for municipal action with regard to housing based on a comprehensive housing needs analysis that examines:

- 1. Community demographics including information on the racial/ethnic composition and special needs of the community and HUD MSA region.***
- 2. Existing housing stock characteristics;***
- 3. Development conditions and constraints and the municipality's ability to mitigate those constraints; and***
- 4. The capacity of municipal infrastructure, such as schools, water/sewer systems, roads, utilities, etc. to accommodate the current population as well as future growth."***

The findings presented here are summaries and highlights of other recent studies referenced above. Additional detail can be found primarily in *Community Development Plan – Housing and Economic Development Strategy June 2004* Chapter 2.

1. Community Demographics

- Duxbury's population of 14,248 according to the 2000 Census ranks 12th of 27 communities Plymouth County.
- The Town's population increased by over 20% between 1980 and 2000 which was higher than both Plymouth County (16%) and the State (11%).
- The number of households increased by an average of 6.7% a year from 1990-2000.
- Between 1940 and 1990 the Town's population averaged 43% growth per decade.
- Between 1990 and 2000 population growth slowed in Duxbury to 2.5% less than the State and County. However, the 55+ population grew by 32% while under 21 years of age by only 1.2%
- The State projects the Town's population to grow by 18% between 2000 and 2020.
- The median age of Duxbury residents increased from 37 in 1990 to 40 in 2000 (Higher than both the County and State).
- Duxbury's educational attainment rate for high school degrees, bachelor's degrees and graduate degrees is about double the state and county averages.
- Duxbury's median household income in 1999 was \$97,124: about 75% greater than the county and 92% more than the state average.
- Racial and ethnic minorities constitute only a very small percent of Duxbury's population according to the US Census of 2000. Over 97% of the population was white, 0.7% was Hispanic, 0.6 percent was black, 0.6 percent was Asian and 0.6 percent reported two or more races.

2. Existing Housing Stock

- Population and housing grew most in Census Tract 5071.01 (all lands west of Route 3) during the 1990s.
- According to the Census there were 5,345 housing units in Duxbury in 2000.
- Approximately 208 new homes were built between 1990 and 2000 representing an increase of 3.97%. Between 2001 and 2006 it grew another 222 units. The average production per year since 1996 has been about 39 homes per year.
- Approximately 78% of homes in Duxbury have been built since 1940 and over 40% of the housing stock was built in the 1970s and 1980s alone. It is no surprise that most housing is in good condition.
- About 85% of all dwelling units in Town are single family detached homes, which is significantly higher than the County and State averages.
- Duxbury has 180 affordable housing units (eligible under Chapter 40B) which comprises 3.5% of total year-round housing stock. (10% of the existing housing stock is the minimum target of the State).
- Average square foot assessed value for FY07 is \$649,100 resulting in an average housing tax bill of \$6,582. (Nearly twice the state average).
- The median sales price of all single-family homes sold in 2006 was \$527,750, which reflects a trend where prices have increased by an average of 12.4% per year over each of the last 19 years.
- Approximately 552 (or 23%) of homeowners who earn less than 80% of median, pay more than 30% of Gross Household Income for housing costs. (Accepted Affordability Standard is 30% of Gross HH Income used for housing costs).
- Rental costs decreased slightly in the 1990s (\$593 median) but approximately 43% of renters pay more than 30% of Gross HH Income for housing expenses.

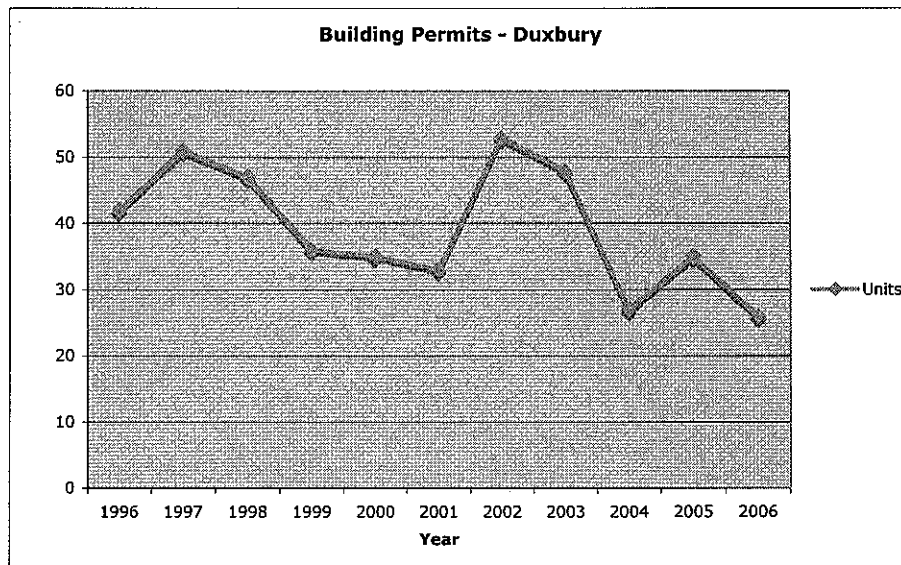
3. Development Conditions and Constraints

Development has been primarily detached single-family homes on large lots.

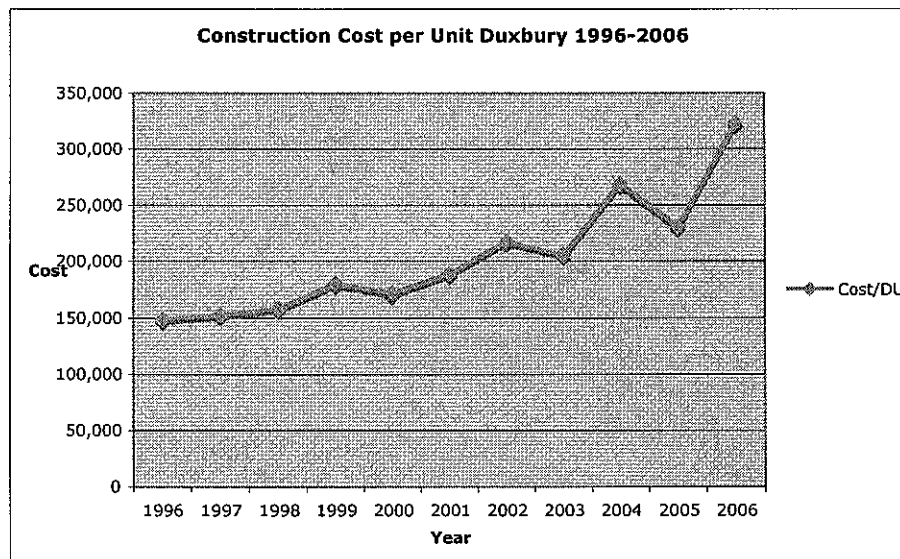
The following Table illustrates this:

Permits 1996 -2006		
Item	Building	Units
Single Family	356	356
Two Family	14	28
Three and Four Family	12	37
Five or More Family	1	12
Total	383	433

The following Chart illustrates the small annual production of new housing in Duxbury.



The following Chart also illustrates the recent escalation in the cost of construction in Duxbury:



The factors which impede the development of affordable housing are as follows:

- Availability and high cost of land (per unit)
- development costs
- limited municipal infrastructure and local capacity to provide
- limited subsidies

Land Costs.

Land availability and its cost are really the critical threshold for a developer. Land costs are really driven by zoning and by other factors, such as soil suitability, dimensional requirements and infrastructure specifications. Generally affordable

housing cannot be developed in Duxbury (2006) without direct and indirect subsidies. For example a 2 bedroom house of 950 square feet would cost around \$175,000 to develop not including land costs. Based on 80% of the current median income (as determined by HUD for 2006 as \$65,120) a prospective homebuyer at the upper end of the affordable income range, could afford \$320,000 for housing. If someone at 60% of median wanted to buy, they would only be able to afford to pay \$250,000. This would require land costs not to exceed \$145,000 or \$75,000 per unit respectively. Currently a single family lot (40,000sf minimum) to be developed as of right, will start at a minimum \$250,000. Clearly the numbers don't work without subsidies. If one was able to utilize cluster zoning and develop 2 or 3 houses on the lot or develop a large single house with 2 or 3 units, one could provide housing affordable to people from 60% to 80% of median. Of course the numbers become very difficult to work with when you go below 60% of median and as noted above, there are over 600 households with incomes below 60% of median. This would still mean that there are over 250 households which could take advantage of a lower cost development program.

Preserved open space, protected areas, wetland and other areas unable to be developed constitute about 50% percent of the Town's land which further limits the supply of land. The amount of land remaining and available for development is approximately 2,600 acres or 16.5% of the Town's total land area. Based on the current zoning for these developable areas, this would yield approximately 4,000 new units. If all of this development came under the inclusionary zoning rule, then only about 400 units of affordable housing would be developed. It is likely to be much less, unless special permitting and other increased density options are applied, as the bulk of it is likely to fall under subdivision rules with each subdivision being less than 6 units and thus being exempt from inclusionary zoning rules.

Another approach would be to permit conversion of existing structures to multiple units. How many units it would produce is unknown.

Development Constraints including Infrastructure.

Duxbury has limited infrastructure and soils that pose moderate to severe limitations for residential development throughout much of the town. There is no public sewer service. Most homes and businesses are served by individual on-site septic systems to treat and dispose of waste. While groundwater quality is generally good and in adequate supply to accommodate reasonable future growth, Duxbury's coastal location combined with wetlands and related soil conditions are not well suited to septic systems. There has been some shared sewage treatment in denser development area but generally larger lots are required. Recent progress in sewage treatment without establishing a municipal treatment plant may offer the potential for denser development. However the capital cost of such systems would need to be defrayed by much higher density and/or by the use of Tax Incremental Financing (TIF).

Local Zoning and Regulatory Restrictions.

As noted above, while there are some special permit provisions allowing for increased density, in general there is no zoning provision which would permit the density needed to produce more affordable housing.

The proposed *Affordable Housing Production Strategy and Bylaw* proposed by the Duxbury Housing Partnership in July 2006, is one initiative which could help close the gap between demand and supply, by allowing 'odd lots' to be developed. The proposed by-law estimated that of 371 'non-conforming' lots, over 30 have a realistic potential to be developed into housing, with affordability being the requirement for permission to build.

Although Duxbury has an inclusionary zoning provision, at best it would only produce a handful of units over the next 10-20 years as most of the development in the last 10 years has been exempt from the ordinance (which only applies to developments greater than 5 units) and which can be met by cash payment rather than the production of actual units.

Duxbury has adopted some other provisions which could foster the growth of affordable housing. These include cluster zoning, accessory apartments and other special permit categories. While these provisions do not require affordable housing (except as their size causes them to fall under the Inclusionary Zoning provision) they do enable development such as accessory apartments, live/work residences and multifamily housing in designated planned districts.

There are a number of other proposals for zoning and regulatory changes which are contained in the *Community Development Plan* of July 2004.

The special permit approach creates some impediments to affordable housing development in that potentially every housing proposal submitted using this process can become mired in controversy and normally requires more development effort and cost, thus discouraging developers from using it. However, it also enables the Town to provide incentives and requirements which can promote the development of affordable housing.

DHCD Requirement Section 2: Affordable Housing Goals And Strategies

Extract from DHCD Planned Production Program Requirements:

"Section 2. Affordable Housing Goals and Strategies

In this section, the plan must include:

- ***A discussion of the mix of housing desired, consistent with identified needs and feasible within the housing market, including rental and ownership for families, individuals, persons with special needs, and the elderly;***
- ***A numerical goal for annual housing production that meets or exceeds the .75% threshold for each calendar year included in the plan;***
- ***A timeframe or schedule for production of units; and***
- ***An explanation of the specific strategies the community will use to achieve its housing production goal, including identification of one or more of the following:***
 1. ***Geographic areas in which land use regulations will be modified to accomplish affordable housing production goals;***
 2. ***Specific sites on which comprehensive permit applications are to be encouraged;***
 3. ***Preferred characteristics of residential development, for example infill housing development, clustered houses, and compact development; and/or***
 4. ***Municipally owned parcels for which development proposals will be sought."***

Progress to Date

Over the past five years, Duxbury has accomplished the following steps towards increasing affordable housing production:

- Created a Local Housing Partnership for the promotion of affordable housing programs, policies and projects.
- Created an Affordable Housing Trust through special State legislation.
- Established an Inclusionary Zoning Bylaw.
- Established a Zoning provision for Accessory Apartments with a Special Permit.
- Opened discussions with the owner of the largest affordable housing concerning the imminent expiring use restriction on the property.
- Hired a consultant to help implement plans.
- Identified some specific opportunities for affordable housing.

The Town continues to discuss additional tools which will assist private and public entities in gaining more affordable housing. These are discussed elsewhere in the document.

1. Housing Mix Goals

The housing needs identified by HUD and the US Census Bureau [in the CHAS cited on p.4] are distributed equally between renters and owners. However, as housing costs for homeownership are so high, the potential for rental units to serve households below 50% of median is greater. In addition, rental units are normally better suited for the elderly, especially those elderly over the age of 75 and those elderly requiring supportive services.

Consequently, the proposed plan will be to focus home ownership efforts on those above 50% of median and to target rental units for the elderly and those below 50% of median. In addition, to meet the high percentage of elderly in need of housing with services, assisted living and/or congregate rental housing will also be a focus of our efforts, using such programs as HUD's Section 202 housing program for the elderly.

2. Numerical Goals

DHCD has determined that 38 units of affordable housing is to be the annual goal for the Town of Duxbury under the Planned Production Program. The Town believes that the mix of such newly produced housing should be as follows:

Family rental units:	40% or 15 units/year
Elderly rental units with services:	13% or 5 units/year
Family homeownership units:	47% or 18 units/year

At this time, the homeownership plan will be to facilitate prospective and eligible buyers to buy on the open market and thus there are no specific geographical areas to be targeted for homeownership.

In the case of rental units, there are two appropriate strategies to be pursued immediately. One will be to encourage accessory apartments in existing single family housing and this will not favor any one geographical area over another. The second will be to work with an expiring use development in preserving its affordable units and expanding its development into adjoining land, thus increasing the total number of rental units. There are other strategies being pursued which might focus on specific geographical areas. These include exploration of creating overlay village development districts including meeting Smart Growth requirements. It is likely that any such strategy would likely be at the following neighborhood business areas:

- Hall's Corner - South West area by Route 3
- Bennett's Corner - South area by Route 3A
- Millbrook - North East off of Route 3A
- Snug Harbor - East on the Bay
- Cox Corner - North on the Marshfield line

The preferred characteristics of all property development will be low profile, New England style with any multi-unit properties being modest in scale.

At this time the only municipal property being made available for development to interested parties using an RFP process is Lincoln Street.

Planned Production Strategies with Projected Number of Units, Schedule and Priority

Item #s	STRATEGY	SUB-TASKS	PRESERVATION [PRES] OR PRODUCTION [PROD]	SCHEDULE	2007 UNITS	2008 UNITS	2009 UNITS	2010 UNITS	2011 UNITS	2012 UNITS	Total # Of Affordable Units (2007-2012)	Total # of Units to be acquired/built (2007-2012) to obtain the affordable units
1	Activate Affordable Housing Trust				N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	1.1	Set up AHT Board and By-Laws		2007								
	1.1	Allocation Plan Approval by Town Meeting		2007								
	1.3	Establish % of CPC funds to be allocated to housing and transfer CPC Funds to AHT		2008								
	1.4	Institute fundraising		2008								
	1.5	Fund AHT with first developer linkage fees		2007								
2	Secure Affordable Housing Finance				N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2.1	Access funds such as CDBG, HOME & ADDI by creating local area Consortium or through DHCD		2007-2008								
3	Identify and commit municipal areas/properties for new affordable housing RFPs											

Item #s	STRATEGY	SUB TASKS	PRESERVATION [PRES] OR PRODUCTION [PROD]	SCHEDULE	2007 UNITS	2008 UNITS	2009 UNITS	2010 UNITS	2011 UNITS	2012 UNITS	Total # Of Affordable Units (2007-2012)	Total # of Units to be acquired/built (2007-2012) to obtain the affordable units
	3.1	Lincoln Street	PROD	2008	0	0	10				10	20
	3.2	Land swaps especially with Town land	PROD	2009			1	1	1	1	4	4
	3.3	Tax Title Properties	PROD	2010					1	1	2	2
4	Identify and commit Chapter 61 areas/properties for new affordable housing											
	4.1	Explore transfer of development rights	PROD	2008	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	4.2	Negotiate Ch 61 Properties	PROD	2009					1	1	2	2
5	Preserve Island Creek Affordable Housing											
	5.1	Obtain Expiring Use Funding from HUD	PRES	2010				46*	50*		96*	0
	5.2	Create Expanded Development	PROD	2012						26+	26+	105+
6	Expand Accessory Apartment Zoning											
	6.1	Accessory Apartment – Expand to permit attached and detached additions	PROD	2008			1	1	1	1	4	4

Item #s	STRATEGY	SUB TASKS	PRESERVATION [PRES] OR PRODUCTION [PROD]	SCHEDULE	2007 UNITS	2008 UNITS	2009 UNITS	2010 UNITS	2011 UNITS	2012 UNITS	Total # Of Affordable Units (2007-2012)	Total # of Units to be acquired/built (2007-2012) to obtain the affordable units
	6.2	Elder Cottage Housing Opportunity (ECHO)	PROD	2009				1	1	1	3	3
7	Establish First Time Homebuyer Program											
	7.1	Expand role of the Duxbury Housing Authority	PROD	2007	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	7.2	Recycling of housing - Enabling first time home buyers with down-payment and second mortgage assistance	PROD	2007	1	5	5	5	5	5	26	26
	7.3	Recycling of housing - Purchase housing and re-sell to qualified buyer	PROD	2008			1	1	1	1	4	4
	7.4	Realtors for Affordable Housing - Early notification system	PROD	2007	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	7.5	Establish a Family Self-Sufficiency program to recruit and train prospective homebuyers	PROD	2007	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	7.6	Revise demolition permit delay ordinance and survey properties which might be potential for acquisition	PROD	2008	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Item #s	STRATEGY	SUB TASKS	PRESERVATION [PRES] OR PRODUCTION [PROD]	SCHEDULE	2007 UNITS	2008 UNITS	2009 UNITS	2010 UNITS	2011 UNITS	2012 UNITS	Total # Of Affordable Units (2007-2012)	Total # of Units to be acquired/built (2007-2012) to obtain the affordable units
8	Non-Conforming Lot By-law		PROD	2007		1	2	2	2	2	9	9
9	Inclusionary zoning											
	9.1	Review and modify cash option to require provision of affordable units	PROD	2008	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	9.2	Duxbury Estates - Funds for the AHT	PROD	2007	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10	Comprehensive Permit 40B and LIP											
	10.1	Duxbury Farms [40B]	PROD	2007	5						5	20
	10.2	Delano [40B]	PROD	2007	5						5	5
	10.3	Merry Village [40B]	PROD	2007	5						5	20
	10.4	Brewster Commons [40B]	PROD	2007	10						10	40
		Planned Production Program Town and DHCD Approval	PRES & PROD	2007	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	10.5											
	10.6	West Bay Landing [LIP]	PROD	2008		6					6	24
11	Establish Overlay Districts											
		Evaluate areas where overlay districts can facilitate affordable housing	PROD	2007	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	11.1	Evaluate and review value of 40R and 40S	PROD	2007	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	11.2	Public education program concerning smart growth, overlay districts and 40R	PROD	2007	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	11.3											

Item #s	STRATEGY	SUB TASKS	PRESERVATION [PRES] OR PRODUCTION [PROD]	SCHEDULE	2007 UNITS	2008 UNITS	2009 UNITS	2010 UNITS	2011 UNITS	2012 UNITS	Total # Of Affordable Units (2007-2012)	Total # of Units to be acquired/built (2007-2012) to obtain the affordable units
	11.4	Establish Development Overlay District/s	PROD	2009				5	5	5	15	60
		Evaluate feasibility of employer/employee housing (EAH)	PROD	2009				2		1	3	12
12	11.5	Convert existing buildings into affordable housing units										
	12.1	Change Zoning to Permit large house conversion to multiple units	PROD	2008			1	1	1	1	4	4
	12.2	Property tax relief for rental properties kept affordable	PRES	2008	1	1	1	1	1	1	6	6
	12.3	Evaluate applicability of affordable reverse mortgages and establish program	PRES	2008		1	1	1	1	1	5	5
13	Pursue Development Programs											
	13.1	Design moderate income housing program	PROD	2009								
	13.2	Work with Habitat for Humanity initiative	PROD	2008			1		1		2	2
	13.3	Assess value of and if appropriate develop a Low Income Housing Tax Credit (LIHTC) development	PROD	2009					10		10	40

Item #s	STRATEGY	SUB TASKS	PRESERVATION [PRES] OR PRODUCTION [PROD]	SCHEDULE	2007 UNITS	2008 UNITS	2009 UNITS	2010 UNITS	2011 UNITS	2012 UNITS	Total # Of Affordable Units (2007-2012)	Total # of Units to be acquired/built (2007-2012) to obtain the affordable units
		Assess value of and if appropriate develop a Section 202 Housing for the Elderly development						25			25	25
	13.4		PROD	2009								
		Tax Increment Financing (TIF) for infrastructure development	PROD	2008	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	13.5											
14	Ongoing Funding of Affordable Housing Efforts											
	14.1	LIP technical assistance	PROD	2008	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	14.2	DHCD CD Funding	PRES & PROD	2007	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	14.3	Priority Development Fund	PRES & PROD	2007	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
15	Other Initiatives											
		Home-sharing, coops & congregate housing	PROD	2008					1	1	2	2
	15.1	Community Land Trust (CLT) - expand	PROD	2009	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	15.2	Project Based Section 8 - Seminar	PROD	2008	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	15.3	Review subdivision rules in terms of how they affect the production of affordable housing and make legally permissive amendments to the rules	PROD	2008	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	15.4											

Item #s	STRATEGY	SUB TASKS	PRESERVATION [PRES] OR PRODUCTION [PROD]	SCHEDULE	2007 UNITS	2008 UNITS	2009 UNITS	2010 UNITS	2011 UNITS	2012 UNITS	Total # Of Affordable Units (2007-2012)	Total # of Units to be acquired/built (2007-2012) to obtain the affordable units
15.5		Review and assess affordable housing development for conservation areas being acquired	PROD	2009					1	1	2	2
10YEAR PROJECTED AFFORDABLE HOUSING PRESERVATION AND HOUSING PRODUCTION UNITS												
			Preservation		1	2	2	2	48*	52*	2	107
			Production		26	12	22	54	22	22	158	
			NET TOTAL UNITS		27	14	24	56	24	24	169	341
			PPP Minimum Requirement		38	38	38	38	38	38	228	
			PPP Deficiency		-12	-24	-14	18	-14	-14	-59	

* These units are already in the 40B inventory but their restrictions expire in these years. If preserved they will not count as new 40B units.

DHCD Requirement Section 3: Description of Use Restrictions

Extract from DHCD Planned Production Program Requirements:

"Section 3. Description of Use Restrictions

This section of the plan must describe the long-term use restrictions that will be placed on the affordable housing units. Include details on the time period covered by the deed restriction and how the future sale or rent price will be calculated. DHCD does not accept model deeds but encourages communities to adopt the statement on use restrictions."

The Town of Duxbury already has use restrictions associated with its Inclusionary Zoning ordinance. Section 560 requires units developed to meet Local Initiative Program [LIP] use restrictions, which are printed below:

LIP Use Restrictions [Extract from Local Initiative Program Guidelines November 2006]

45.02: Definitions

The following definitions shall apply to 760 CMR 45.00 et seq:

Board of Appeals: the board established by a city or town pursuant to M.G.L. c.40A §14.

Chief Executive Officer: when used in connection with the operation of municipal governments "chief executive officer" shall include the mayor in a city and the board of selectmen in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.

Comprehensive Permit: a permit for the development of Low or Moderate Income housing issued pursuant to M.G.L. c 40B, §§ 20 through 23 and applicable regulations in 760 CMR 30.00 et seq. and 31.00 et seq.

Department: the Department of Housing and Community Development.

HUD: the U.S. Department of Housing and Urban Development

LIP: the Local Initiative Program

LIP Guidelines: rules, standards and policies explaining and detailing regulatory provisions established by the Department with respect to the Local Initiative Program, as amended from time to time.

Local Action Project: a Local Initiative Program housing development permitted without a comprehensive permit.

Local Action Unit: a unit of Low or Moderate Income Housing which has been developed without a comprehensive permit and which meets the requirements set

out in 760 CMR 45.03 and which has been approved as a Local Action Unit by the Department singly or as part of a Local Action Project

Local Housing Partnership: an active, municipally-appointed advisory group, with responsibility for encouraging Low and Moderate Income housing, which has been recognized as a local housing partnership by the Massachusetts Housing Partnership Fund.

Local Initiative Project: a Local Initiative Program housing development permitted with a Comprehensive Permit.

Local Initiative Unit: a unit of Low or Moderate Income Housing which has been developed with a comprehensive permit and which meets the requirements set out in 760 CMR 45.04 and which has been approved as a Local Initiative Unit by the Department as part of a Local Initiative Project.

Low or Moderate Income: (alternatively Low and Moderate Income): household income, computed pursuant to LIP Guidelines, which does not exceed 80% of median income for a comparably sized household as determined by HUD for the area in which the household lives.

Low or Moderate Income Housing: decent, safe and sanitary housing created through and subsidized by LIP or other state or federal housing production program which is restricted to occupancy by households of Low or Moderate Income.

Regulatory Agreement: an agreement, in a form required or approved by the Department, in which a developer agrees to create Low or Moderate Income Housing meeting LIP requirements. A Regulatory Agreement shall include provision for the following: (a) a local public or quasi-public entity and the Department shall be holders of a Use Restriction with the right and the obligation to enforce it during the term of affordability; (b) the holders of the Use Restriction shall provide for monitoring and enforcement of the restriction and may do so themselves or enter into a contract for monitoring services with an entity experienced in affordable housing operation although the holders shall retain responsibility for ensuring compliance with the Use Restriction; (c) selection of eligible tenants of rental units and of owners of homeownership units shall be made in a fair and reasonable manner in compliance with fair housing and anti-discrimination laws; (d) tenants of rental units and owners of homeownership units shall be required to occupy the units as their domiciles and principal residences; (e) the term of affordability to Low or Moderate Income households shall be no less than 30 years for newly constructed units and no less than 15 years for rehabilitated units; (f) in the event of a resale of a Low or Moderate Income homeownership unit the unit shall be resold to a Low or Moderate Income buyer for no more than the maximum permissible resale price and shall continue subject to the Use Restriction; and (g) in the event of a subsequent rental of a Low or Moderate Income rental unit the unit, shall be rented to a Low or Moderate Income tenant for no more than the maximum permissible rent.

Subsidized Housing Inventory: the list compiled by the Department containing the count of Low or Moderate Income housing units by city or town.

Use Restriction: a deed restriction or other legal instrument approved by the Department and recorded with the relevant registry of deeds or land court registry district which effectively restricts the occupancy of a Low and Moderate Income housing unit to households of Low or Moderate Income during the term of affordability.

45.03: Local Action Units The Department shall, upon application by the Chief Executive Officer of a city or town for approval of a Low or Moderate Income housing units as Local Action Units, shall approve the application if it meets requirements 1-9 below, and any other requirements specified in the LIP Guidelines.

1. Local Action: The municipality has taken an action or given an approval that contributes to the creation of qualifying of Low or Moderate Income housing units through new construction, building conversion, adaptive re-use, or rehabilitation. Local action may also be action pursuant to ordinances or by-laws providing for creation of Low or Moderate Income housing units.

2. Income Limits: For tenants of Low or Moderate Income rental units and purchasers of Low or Moderate Income homeownership units household income shall not exceed 80% of area median income for comparably sized households as determined by HUD, but the Regulatory Agreement and Use Restriction may require that an eligible household must have a lower percentage of area median income.

3. Maximum Rent Payment: Monthly rents of Low or Moderate Income housing units inclusive of utilities or a utility allowance, shall not exceed 30% of 80% of area median income for a household in size equal to the number of bedrooms in the unit plus one. Except in continuing care retirement communities, on terms as may be provided in the LIP Guidelines, services other than utilities, provided by the landlord shall not be included in the monthly rent, and any contract for such services shall be separate from the lease or rent contract between landlord and tenant. In any such service contract, all services shall be clearly defined and charges for such services shall be reasonable. In the event a household receives a state or federal rental subsidy, maximum rent may be as provided in the state or federal housing subsidy program provided that the tenant share of rent does not exceed the maximum set herein.

4. Maximum Purchase Price: Initial purchase prices and resale prices of Low or Moderate Income homeownership units shall be established so that households are not required to make a housing payment more than 30% of 70% of area median income for a household in size equal to the number of bedrooms in the unit plus one. The housing payment shall include debt service, including interest and principal amortization on a mortgage (at 30-year fixed-interest rates generally prevailing at the time of initial sale for 95% of the purchase price), real estate taxes, insurance, and condominium or homeowners fees, including any entrance fee.

5. Asset Limits: The LIP Guidelines may specify maximum asset limits for eligible households.
6. Use Restriction: There shall be a recorded Use Restriction. For homeownership units the model deed rider specified in the LIP Guidelines shall be used as the Use Restriction.
7. Reporting: There shall be an annual determination that: (1) Low or Moderate Income rental units are rented to eligible households of Low or Moderate Income at rents not exceeding the maximum permissible rents; and (2) Low or Moderate Income homeownership units are occupied by the owner; and (3) sales and resales of Low or Moderate Income homeownership units are at prices not exceeding the maximum permissible prices to eligible households of Low or Moderate Income. The determination shall be made as provided in the Regulatory Agreement or in the absence of such provision as specified by the Department in the LIP Guidelines. .
8. Affirmative Fair Marketing: Low or Moderate Income housing units subsidized pursuant to the Local Initiative Program shall be subject to an affirmative fair marketing plan approved by the Department. Marketing shall effectively outreach protected groups under-represented in the municipality. There shall be a specific prohibition of discrimination on the basis of race, creed, color, sex, age, disability, familial status, sexual orientation, national origin or any other legally protected category in the leasing or sale of housing.
9. Occupancy of Units: Tenants of Low or Moderate Income rental units and owners of Low or Moderate Income homeownership units shall be required to occupy the units as their domiciles and principal residences

45.04: Local Initiative Units

The Department shall, upon application by the Chief Executive Officer of a city or town for approval of Local Initiative Project to be developed pursuant to a comprehensive permit, approve the application if the proposed development meets requirements 1-8 below, and any other requirements specified in the LIP Guidelines provided that the Department shall have first made a Determination of Project Eligibility pursuant to 760 CMR 31.01 and the LIP Guidelines.

1. Income Limits: For tenants of Low or Moderate Income rental units and purchasers of Low or Moderate Income homeownership units household income shall not exceed 80% of area median income for comparably sized households as determined by HUD, but the Regulatory Agreement and Use Restriction may require that an eligible household must have a lower percentage of area median income.
2. Maximum Rent Payment: Monthly rent for a Low or Moderate Income rental unit inclusive of utilities or a utility allowance shall not exceed 30% of 80% of area median income for a household in size equal to the number of bedrooms in the unit plus one. Except in continuing care retirement communities, on terms as may be provided in the LIP Guidelines, services other than utilities, provided by the landlord

shall not be included in the monthly rent, and any contract for any such service shall be separate from the lease or rent contract between landlord and tenant. In any service contract services shall be clearly defined and charges for such services shall be reasonable. In the event a household receives a state or federal rental subsidy, maximum rent may be as provided in the state or federal subsidy program provided that the tenant share of rent does not exceed the maximum set herein.

3. Maximum Purchase Price: Initial purchase prices and resale prices of Low or Moderate Income homeownership units shall be established so that households are not required to make a housing payment more than 30% of 70% of area median income for a household in size equal to the number of bedrooms in the unit plus one. The housing payment shall include debt service, including interest and principal amortization on a mortgage (at 30-year fixed-interest rates generally prevailing at the time of initial sale for 95% of the purchase price), real estate taxes, insurance, and condominium or homeowners fees, including any entrance fee.

4. Asset Limits: The LIP Guidelines may specify maximum asset limits for eligible households.

5. Use Restriction: There shall be a recorded Use Restriction. For homeownership units the model deed rider specified in the LIP Guidelines shall be used as the Use Restriction.

6. Reporting: There shall be an annual determination that : (1) Low or Moderate Income rental units are rented to eligible households of Low or Moderate Income at rents not exceeding the maximum permissible rents; and (2) Low or Moderate Income homeownership units are occupied by the owner; and (3) sales and resales prices of Low or Moderate Income homeownership units are at prices not exceeding the maximum permissible prices to eligible households of Low or Moderate Income. The determination shall be made as provided in the Regulatory Agreement, or in the absence of such provision as specified by the Department in the LIP Guidelines.

7. Affirmative Fair Marketing: Low or Moderate Income housing units subsidized pursuant to the Local Initiative Program shall be subject to an affirmative fair marketing plan approved by the Department. Marketing shall effectively outreach protected groups under-represented in the municipality. There shall be a specific prohibition of discrimination on the basis of race, creed, color, sex, age, disability, familial status, sexual orientation, national origin or any other legally protected category in the leasing or sale of housing.

8. Occupancy of Units: Tenants of Low or Moderate Income rental units and owners of Low or Moderate Income homeownership units shall be required to occupy the units as their domiciles and principal residences.

9. Profit Limitations: The following profit limitations shall be applicable to all Local Initiative Projects and shall be made a specific provision in all Regulatory Agreements:

(a) **Rental Projects** For rental housing, developers' fees, overhead, profits, dividends and any other distributions to developers, development consultants, partners or legal or beneficial owners shall be subject to limitations as follows:

1. **Distributions from Capital Sources:** Payment of fees and profits will be limited to no more than ten percent of total development costs. Total development costs shall not include any such fees, overhead, profits dividends and other distributions and any working capital or reserves for property operations and maintenance. Qualifying inclusions in and exclusions from total development costs may be specified in the Regulatory Agreement, or in the absence of such specification, in the Guidelines.

2. **Distributions from Operations:** Commencing upon the development's initial occupancy distributions shall not exceed ten percent of the owner's equity in the project annually. The owner's equity shall be determined in the manner specified in the Regulatory Agreement or, in the absence of such specification, in the Guidelines.

(b) **Homeownership Projects:** For homeownership housing, profit to the project developers, sponsors, partners, shareholders, owners, and other entities with an ownership interest, shall be limited to twenty percent of total development costs. The procedure for determining total development costs shall be specified in the Regulatory Agreement or, in the absence of such specification, in the Guidelines.

10. **Cost Certification:** Costs of development shall be established by the developer or project owner in a detailed financial statement of all material costs of the project prepared by a certified public accountant and submitted to the Department within six (6) months of substantial completion of the project. Such financial statement shall be subject to verification by the Department. Failure to submit a financial statement reliably setting out all such costs shall be a material default and shall disqualify the developer and project owner and their principals from further participation in any state-sponsored affordable housing programs. The Regulatory Agreement may require that the developer or owner post a bond or make other appropriate financial commitment so as to guarantee that the requisite financial statement is timely submitted.

45.05: Subsidy

The Local Initiative Program is a housing subsidy program. Subsidy is not provided through direct cash payments to program participants but is provided through provision of a wide variety of services and technical assistance by the Department without charge to applicants, municipalities, developers, and housing managers as well as tenants of Low or Moderate Income rental units and owners of Low or Moderate Income homeownership units. The Department provides subsidy to all

Local Action Units and Local Initiative Units. The Department provides assistance to municipalities and developers in determining site suitability and in the design of the housing development in a variety of ways. The Department works with and gives advice to developers and municipalities in drafting and reviewing regulatory agreements and in the preparation of other necessary documents. The Department as a monitoring entity, monitors and approves sales, resales and refinances of homeownership units. The Department takes appropriate enforcement measures and offers legal support and other advice when necessary during the term of affordability. The Department also takes measures to ensure compliance by tenants, homeowners, municipalities, developers, managers and other parties with the terms of Regulatory Agreements and Use Restrictions. The Department maintains appropriate staffing to deliver such services and the other services and technical assistance involved.

45.06: Guidelines

The Department shall issue LIP Guidelines which may be amended from time to time which shall explain in and detail the requirements of the Local Initiative Program set out in 760 CMR 45.00 et seq. Provisions may include, but need not be limited to, standards, application process, compliance, administration, monitoring and enforcement.

45.07: Waivers

The Director of the Department may waive, in writing, any provision of 760 CMR 45.00 when exceptional circumstances exist and strict compliance would not be in the public interest and would be inconsistent with the purposes of the Local Initiative Program.

Regulatory Authority: G.L. c. 23B

ATTACHMENTS

- A. Duxbury Comprehensive Plan, 12/6/1999**
- B. Community Development Plan – Housing and Economic Development Strategy, June 2004**